

EXHIBIT A

40.230.020 MIXED USE DISTRICT (MX)

- A. Purpose. The Mixed Use (MX) district requires mixed use developments to provide the community with a mix of mutually-supporting retail, service, office and medium or high density residential uses. It promotes cohesive site planning and design which integrates and interconnects two or more land uses into a development that is mutually supportive. It provides incentives to develop a higher-density, active, urban environment than generally found in a suburban community, and which is further expected to:
1. Achieve the goals and objectives of the community framework plan and the comprehensive plan;
 2. Enhance livability, environmental quality and economic vitality;
 3. Accommodate and respect surrounding land uses by providing a gradual transition into lower density neighborhoods that may encircle a potential mixed-use site.
 4. Maximize efficient use of public facilities and services;
 5. Provide a variety of housing types and densities;
 6. Reduce the number of automobile trips and encourage alternative modes of transportation; and
 7. Create a safe, attractive and convenient environment for living, working, recreating and traveling.
- B. Applicability.
1. General. The provisions of this section shall be applied to parcels or groups of contiguous parcels designated mixed use on the zoning map.
 2. Interpretation. If the requirements of the mixed use district conflict with other regulations, the more stringent of the two shall apply.
- C. Definitions. For the purposes of this section, the following definitions shall apply:
1. "Mixed-use development" shall mean a group of structures planned as a single entity and containing within and/or among them a variety of complementary, and/or mutually supporting uses (such as housing, offices, manufacturing, retail, public service or entertainment).
 2. "Net Acre" of a site shall be calculated by taking the gross acreage of the site and subtracting areas that are unbuildable due to geographic (slope) or environmental (wetlands, shorelines and related buffers) constraints.
- D. Uses. Those uses which are permitted or conditional in the MX (mixed use) district are shown in Table 40.230.020-1. Residential uses are permitted so long as the minimum required densities of this section are met. The appropriate review authority is mandatory.
- "P" Uses allowed subject to approval of applicable permits.
- "R/A" Uses permitted upon Review and Approval as set forth in Section 40.520.020.
- "C" Conditional uses which may be permitted subject to the approval of a Conditional Use Permit as set forth in Section 40.520.030.
- "X" Uses specifically prohibited.
- Where there are special use standards or restrictions for a listed use, the applicable code section(s) in Special Uses (Chapter 40.260) or other applicable chapters are noted in the "Special Standards" column.

| <u>Table 40.230.020-1. Uses</u> | | |
|--|------------------|---|
| | <u>MX</u> | <u>Special Standards</u> |
| <u>1. Residential uses.</u> | | |
| <u>a. Medium density (Integrated multi-family./commercial or mixed use structures, townhouse, or apartment, from 12 to no more than 22 residential units per net acre)</u> | <u>P</u> | <u>40.230.020(D)(2), 40.230.020(E)(1)b 40.260.150</u> |
| <u>b. High density (Integrated multifamily/commercial or mixed use structure not to exceed 43 residential units per net acre.)</u> | <u>P</u> | <u>40.260.150</u> |

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| <u>Table 40.230.020-1. Uses</u> | | |
|---|------------------|---------------------------------|
| | <u>MX</u> | <u>Special Standards</u> |
| c. Existing residences without any increase in density | <u>P</u> | |
| d. Home occupations | <u>R/A</u> | <u>40.260.100</u> |
| e. Bed and breakfast establishments (up to 2 guest bedrooms) | <u>R/A</u> | <u>40.260.050</u> |
| f. Bed and breakfast establishments (3 or more guest bedrooms) | <u>C</u> | <u>40.260.050</u> |
| g. Single family detached and duplex | <u>X</u> | |
| <u>2. Retail Sales—Food.</u> | | |
| a. Markets not to exceed 35,000 square feet gross floor area | <u>P</u> | |
| b. Markets— 20 acre or greater development (35,000 to 59,000 square feet of gross floor area) | <u>P</u> | |
| c. Bakery--primarily retail outlet (< 10,000 square feet of gross floor area) | <u>P</u> | |
| <u>3. Retail Sales—General.</u> | | |
| a. General retailer -- (>100,001 square feet gross floor area) | <u>X</u> | |
| b. General retailer-- < 10 acre development (25,000—50,000 square feet gross floor area) | <u>P</u> | |
| c. General retailer—10 acre or greater development (50,001---100,000 square feet of gross floor area) | <u>P</u> | |
| d. General retailer (under 25,000 square feet gross floor area) | <u>P</u> | |
| e. Single purpose/specialty retailers (less than 10,000 square feet gross floor area) | <u>P</u> | |
| f. Single purpose/specialty retailers (10,000--25,000 square feet gross floor area) | <u>P</u> | |
| g. Single purpose/specialty retailers (greater than 25,000 square feet gross floor area) | <u>C</u> | |
| h. Yard and garden supplies, including nurseries | <u>P</u> | |
| <u>4. Retail Sales—Restaurants, Drinking Places.</u> | | |
| a. Restaurants, with associated drinking places, alcoholic beverages | <u>P</u> | |
| b. Drinking places, alcoholic beverages (with or without entertainment) | <u>C</u> | |
| <u>5. Retail Sales and Services—Automotive and Related.</u> | | |
| a. Commercial off-street parking facilities | <u>P</u> | |
| b. Transportation terminals--People. | <u>P</u> | |
| <u>6. Retail Sales—Building Material and Farm Equipment.</u> | | |
| a. Hardware, home repair and supply stores -- < 10 acre development (25,000 to 50,000 square feet gross floor area) | <u>P</u> | |
| b. Hardware, home repair and supply stores – 10 acres or greater development (50,001 --- 100,000 square feet gross floor area) | <u>P</u> | |
| <u>7. Retail Sales—Products (Finished product retailers with primary fabrication or assembly on site. Within an entirely enclosed building.)</u> | | |
| a. Uses of < 5,000 square feet gross floor area | <u>P</u> | |
| b. Uses of 5,000--25,000 square feet gross floor area | <u>R/A</u> | |
| <u>8. Services—Personal.</u> | | |
| a. Self-service laundries, dry cleaning, including pressing, alteration, garment and accessory repair, excluding industrial cleaning services | <u>P</u> | |
| b. Barber and beauty shops | <u>P</u> | |
| c. Clothing rental establishments | <u>P</u> | |
| <u>9. Services—General.</u> | | |
| a. Duplicating, addressing, blueprinting, photocopying, mailing, and stenographic services (<2,500 square feet gross floor area) | <u>P</u> | |
| b. Duplicating, addressing, blueprinting, photocopying, mailing, and stenographic services (>2,500 square feet gross floor area) | <u>P</u> | |

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| <u>Table 40.230.020-1. Uses</u> | | |
|---|------------------|---------------------------------|
| | <u>MX</u> | <u>Special Standards</u> |
| <u>c. Office equipment and home appliance rental, service and repair agencies</u> | <u>P</u> | |
| <u>d. Printing, publishing and lithographic shops</u> | <u>P</u> | |
| <u>e. Services to buildings (including dwellings), cleaning and exterminating</u> | <u>C</u> | |
| <u>f. Branch banks</u> | <u>P</u> | |
| <u>g. Event facilities (<10,000 square feet gross floor area)</u> | <u>P</u> | |
| <u>h. Event facilities (10,000 to 50,000 square feet gross floor area)</u> | <u>C</u> | |
| <u>10. Services—Lodging Places.</u> | | |
| <u>a. Hotels/motels</u> | <u>C</u> | |
| <u>11. Services—Medical and Health.</u> | | |
| <u>a. Outpatient clinics</u> | <u>P</u> | |
| <u>b. Medical laboratories</u> | <u>C</u> | |
| <u>c. Sanitaria, convalescent and rest homes</u> | <u>C</u> | |
| <u>d. Orthopedic equipment and supplies, rental, sales and services</u> | <u>P</u> | |
| <u>e. Animal hospitals and veterinary clinics.</u> | | |
| <u>(1) Outside animal activities</u> | <u>C</u> | |
| <u>(2) Inside animal activities only</u> | <u>P</u> | |
| <u>f. Ambulance services</u> | <u>P</u> | |
| <u>g. Residential care homes</u> | <u>C</u> | |
| <u>h. Residential and congregate care facilities</u> | <u>C</u> | |
| <u>12. Services—Professional Office.</u> | | |
| <u>a. Professional offices</u> | <u>P</u> | |
| <u>b. Medical and Dental Offices</u> | <u>P</u> | |
| <u>c. Artists/photographic studios</u> | <u>P</u> | |
| <u>13. Services—Amusement.</u> | | |
| <u>a. Bowling alleys, billiard and pool parlors, and video arcades</u> | <u>C</u> | |
| <u>b. Skating rinks, ice and/or roller</u> | <u>C</u> | |
| <u>c. Theaters, indoor</u> | <u>C</u> | |
| <u>d Athletic, health and racket clubs (< 10,000 square feet of gross floor area)</u> | <u>P</u> | |
| <u>e Athletic, health and racket clubs (> 10,000 square feet of gross floor area)</u> | <u>C</u> | |
| <u>f. Circuses, carnivals, or amusement rides</u> | <u>R/A</u> | <u>40.260.060</u> |
| <u>14. Services—Educational.</u> | | |
| <u>a. Nursery schools, preschools</u> | <u>P</u> | <u>40.260.160</u> |
| <u>b. Day care facilities consistent with Chapter 388.73 of the Washington Administrative Code</u> | <u>P</u> | <u>40.260.160</u> |
| <u>c. Libraries (<2,500 square feet gross floor area)</u> | <u>P</u> | |
| <u>d. Libraries (>2,500 square feet gross floor area)</u> | <u>P</u> | |
| <u>e. Vocational schools</u> | <u>C</u> | |
| <u>f. Artistic studios and schools including but not limited to dance, music and martial arts (<5,000 square feet)</u> | <u>P</u> | |
| <u>g. Artistic studios and schools including but not limited to dance, music and martial arts (>5,000 square feet)</u> | <u>P</u> | |
| <u>h. Public parks, parkways, recreation facilities, trails and related facilities</u> | <u>P</u> | |
| <u>15. Services--Membership Organizations.</u> | | |
| <u>a. Business, professional and religious (not including churches)</u> | <u>P</u> | |

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| <u>Table 40.230.020-1. Uses</u> | | |
|--|------------------|---------------------------------|
| | <u>MX</u> | <u>Special Standards</u> |
| <u>b. Civic, social, fraternal, charitable, labor and political (less than 5,000 square feet)</u> | <u>P</u> | |
| <u>c. Civic, social, fraternal, charitable, labor and political (greater than 5,000 square feet)</u> | <u>P</u> | |
| <u>d. Churches</u> | <u>C</u> | |
| <u>16. Public Services and Facilities.</u> | | |
| <u>a. Buildings entirely dedicated to public services, such as city hall, police and fire substations</u> | <u>C</u> | |
| <u>b. Educational institutions</u> | <u>C</u> | |
| <u>c. Sewer, water and utility transmission lines</u> | <u>P</u> | <u>40.260.240</u> |
| <u>d. Wireless communications facilities</u> | <u>P/C</u> | <u>40.260.250</u> |
| <u>e. Zoos, museums, historic and cultural exhibits and the like</u> | <u>C</u> | |
| <u>f. U.S. Post Offices</u> | <u>P</u> | |
| <u>g. Public transit facilities including park and ride facilities</u> | <u>P</u> | |
| <u>17. Resource Activities.</u> | | |
| <u>a. Agriculture</u> | <u>P</u> | <u>40.260.040</u> |
| <u>b. Silviculture</u> | <u>P</u> | <u>40.260.080</u> |
| <u>18. Accessory Uses and Activities.</u> | | |
| <u>a. On-site hazardous waste treatment and storage facilities, subject to State Siting Criteria (RCW 70.105.210).</u> | <u>P</u> | |
| <u>b. Drive-through, drive-in or drive-up facilities on 10 or more acres</u> | <u>P</u> | |
| <u>c. Open Air Activities</u> | | |
| <u>(1) Open air display of plants and produce is permitted in conjunction with a permitted use¹</u> | <u>P</u> | |
| <u>(2) Open air work activities such as restaurants, portable walk-up vendors (not including drive-through facilities) such as espresso carts, flower stands and food stands, plant nurseries and other uses generally conducted outside in conjunction with a permitted commercial use, unless otherwise prohibited by this title²</u> | <u>P</u> | |
| <u>(3) Open air storage of one operable company vehicle per business, such as a car and light duty truck, in conjunction with a permitted use</u> | <u>P</u> | |
| <u>19. Other Uses</u> | | |
| <u>a. Temporary uses</u> | <u>P</u> | <u>40.260.220</u> |
| <u>b. Private use heliports</u> | <u>C</u> | <u>40.260.170</u> |
| <u>c. Solid waste handling and disposal sites</u> | <u>C</u> | <u>40.260.200</u> |

1 ¹ These areas must be identified and approved on the site plan.

2 ² These uses are permitted to occupy up to ten percent (10%) of the total floor area of the development or building.

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E. Development standards

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1. Residential.

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a. Whether within a single building or on a development site, a minimum of twenty percent (20%) of the development shall be non-residential and a minimum of twenty percent (20%) of the development shall be residential. This percentage shall be calculated by determining the percent of net acres devoted to each type of use.

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b. A minimum density of twelve (12) dwelling units per net acres is required. This shall be calculated by dividing the minimum required number of acres established pursuant to 40.230.020(D)(2)(a) by the minimum allowed density per net acre.

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- c. The maximum density shall be forty-three (43) dwelling units per net acre of the maximum allowed percentage of the development site established pursuant to 40.230.020(D)(2)(a).
2. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for sites, lots and building height, and setbacks in Tables 40.230.020-2 and 40.230.020-3, subject to the provisions of Chapter 40.200 and Section 40.550.020. Site plan review is required for all new development unless expressly exempted by this title (see Section 40.520.040).

Table 40.230.020-2. Lot Requirements

| <u>Zoning District</u> | <u>Lot Area (sq. ft.)</u> | | <u>Lot Width (feet)</u> | | <u>Lot Depth (feet)</u> | |
|------------------------|---------------------------|----------------|-------------------------|----------------|-------------------------|----------------|
| | <u>Minimum</u> | <u>Maximum</u> | <u>Minimum</u> | <u>Maximum</u> | <u>Minimum</u> | <u>Maximum</u> |
| <u>MX</u> | <u>2,500</u> | <u>None</u> | <u>20</u> | <u>None</u> | <u>90</u> | <u>None</u> |

Table 40.230.020-3. Setbacks, Lot Coverage and Building Height

| <u>Setbacks</u> | | | | <u>Maximum Lot Coverage</u> | <u>Minimum and Maximum Building Height (feet)</u> |
|---|---|----------------|---------------------------------------|-----------------------------|---|
| <u>Setback</u> | <u>Additional Setback based on Proposed Building Height</u> | <u>Minimum</u> | <u>Maximum (from Street Frontage)</u> | | |
| <u>Front</u> | <u>NA</u> | <u>10</u> | <u>NA</u> | <u>85%</u> | <u>10 – 72¹</u> |
| <u>Side</u> | <u>NA</u> | <u>10</u> | <u>NA</u> | | |
| <u>Rear</u> | <u>NA</u> | <u>10</u> | <u>NA</u> | | |
| <u>Non-Residential development which abuts a single-family residential district shall also be required to meet the following setbacks from the side or rear lot line of a residential lot in addition to those above:</u> | | | | | |
| <u>Rear and Side</u> | <u>Proposed building height: 15 feet or less</u> | <u>5</u> | <u>NA</u> | | |
| | <u>Proposed building height: 16 to 30 feet</u> | <u>8</u> | <u>NA</u> | | |
| | <u>Proposed building height: 31 to 45 feet</u> | <u>11</u> | <u>NA</u> | | |
| | <u>Proposed building height: 46 feet or more</u> | <u>14</u> | <u>NA</u> | | |

¹ All ground floor units shall have a minimum structural ceiling height of ten (10) feet and the maximum building height shall be seventy-two (72) feet. Maximum building height does not include buildings or structures such as steeples, chimneys, flagpoles, electronic aerial, cupolas, or other features such as roof gardens, mechanical equipment, or solar panels.

3. Landscaping and Open Storage.

a. Landscaping.

- (1) All mixed-use developments shall meet the landscaping requirements set forth in Chapter 40.320, Landscaping and Screening.
- (2) At least fifteen percent (15%) of the square footage of the site must be landscaped.
- (3) Street trees shall be planted on all street frontages and within all median planting strips within the mixed use zoning district. In addition, street trees shall be placed a minimum of two (2) feet from the curb.

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- (4) Only under the following conditions may freestanding walls, fences and hedges be permitted along public streets or sidewalks:

 - (a) The maximum height of any solid wall, fence, or hedge shall be four (4) feet, unless a solid masonry or concrete wall higher than four (4) feet is required to mitigate significant noise impacts.
 - (b) The maximum height of any decorative wall, fence, or hedge which allows visibility, such as wrought iron and split rail fences, shall be twelve (12) feet.
 - (c) Barbed wire, razor wire, electric and other dangerous fences are prohibited.
- b. Open Storage. Open storage is prohibited. Long-term parking of operational company cars, light trucks and vans within parking lots shall not be construed to be open storage.
4. Conversion of Existing Structures. An existing residential structure may not be converted to a commercial or office use unless consistent with this chapter.
5. Off-street Parking. Off-street parking shall be permitted according to the provisions of Chapter 40.310 but shall not exceed one hundred twenty-five percent (125%) of the minimum requirement amount of off-street parking established for the proposed use. Shared or joint use of parking areas shall be permitted in accordance with Section 40.340.010(A)(5).
6. Parking and Loading.

 - a. The maximum number of parking spaces to be provided is limited to one hundred twenty-five percent (125%) of that required in 40.340.010(A)(5).
 - b. Shared parking between and among uses is encouraged and shall be permitted in accordance with Section 40.340.010(A)(5).
 - c. Parking lot landscaping shall be provided in accordance with Chapter 40.320. Landscaping shall not be required for parking structures; neither shall it be prohibited.
 - d. The ground floor of parking structures should incorporate retail uses.
7. Outdoor Business Activities. Outdoor business activities are permitted in the public right-of-way only if additional public sidewalk is provided greater than the required width. No business activities are allowed within the minimum required width.
8. Signs. The requirements of Chapter 40.310.010 and Table 40.310.010-3 applicable to the Mixed Use district must be met.
9. Building Orientation. The primary building entrance shall be oriented to the major street on which the building has frontage, a street corner, plaza, park, or other buildings on the site. The building may have other entrances as long as direct pedestrian access is provided to all entrances.
10. Pedestrian Access.

 - a. An on-site pedestrian circulation system that links the street and the primary entrance(s) of all the structure(s) on the site shall be provided. Sidewalks or pedestrian ways must connect the required pedestrian system to existing pedestrian systems on adjoining developments if adequate safety and security can be maintained. Convenient delineated pedestrian access to transit stops shall be provided.
 - b. Sidewalks shall be required and constructed according to the county's road standards. The circulation system must be developed in accordance with Section 40.350.010.
 - c. Where the system crosses driveways, parking areas and loading areas, it must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method approved by the reviewing authority. Striping may be permitted only in conjunction with at least one (1) of the preceding methods.
 - d. Lighting for parking lots and pedestrian ways shall be provided to ensure personal safety.
 - e. Lighting shall be integrated into the architectural character both in terms of illumination and fixtures. Lighting shall not produce glare or negatively impact off-site uses or traffic on adjacent streets.
11. Building Facades.

 - a. Blank walls are not permitted on any street frontage, including walls facing controlled access highways and freeways.
 - b. An unbroken series of garage doors is not permitted on any street frontage, including walls facing controlled access highways and freeways.
 - c. At least fifty percent (50%) of the lineal wall area of any new or reconstructed building facing a public street or pedestrian way shall be devoted to interest-creating features such as

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- 1 pedestrian entrances, relief's, murals, landscaping, transparent show or display windows, or
 2 windows affording views into retail, office or lobby spaces.
 3 d. Multifamily dwellings must be designed so that the front door entrance of each dwelling is
 4 closer to the street than the garage door. Garages may also be sited in the following ways:
 5 (1) in the rear and accessed from an alley;
 6 (2) in the rear and accessed from a side drive; or
 7 (3) on the side and accessed from a side drive.
 8 e. The building façade requirements above will not apply where they are in conflict with the
 9 design or character of architecture of existing buildings on the National Register of Historic
 10 Places Buildings or Structures, or listed on the Washington State Register of Historical Sites
 11 and Buildings, or the Clark County Heritage Register, or designated by the Clark County
 12 Historic Preservation Commission or the board as a building site or structure of historical,
 13 architectural or cultural significance or merit, or as a historical or architectural landmark.
 14
 15 F. Credits. A credit reduction of the TIF may be granted pursuant to this section with the implementation
 16 and maintenance of the corresponding action in Table 40.230.020-4 on approval of the responsible
 17 official.
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| <u>Table 40.230.020-4. Credits</u> | |
|--|--|
| <u>Action</u> | <u>Maximum TIF Credit</u> |
| <u>Installation of on-site sheltered bus-stop (with current or planned service) or bus stop within ¼ mile of site with adequate walkways if approved by C-TRAN</u> | <u>1% credit to cover up to 80% of cost.</u> |
| <u>Installation of bike lockers</u> | <u>1% credit to cover up to 80% of cost.</u> |
| <u>Connection to existing or future regional bike trail</u> | <u>1%</u> |
| <u>Installation of paid parking (by resident or employee)</u> | <u>3% credit to cover up to 80% of cost.</u> |
| <u>Provision of Flex Car for project</u> | <u>1% credit to cover up to 80% of cost.</u> |
| <u>Total if all strategies were implemented</u> | <u>7%</u> |

20 21 G. Approval Process.

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 23 1. Site plan review required. Mixed use developments shall require submittal of a site plan, as
 24 required under Section 40.520.040, Site Plan Review and Table 40.510.050-1, Application
 25 Submittal Requirements. The mixed use site plan shall be processed under the Type III review
 26 process, per Section 40.510.030.
 27 2. Neighborhood Meeting Required. A neighborhood meeting shall be held prior to submission of a
 28 Type III application for a mixed use development. The applicant shall hold a public meeting to
 29 offer owners of property adjacent to the affected property an opportunity to participate in the
 30 development process. A pre-application conference is not a substitute for the required
 31 neighborhood meeting. The applicant shall follow the neighborhood meeting guidelines
 32 established by the county.
 33 a. The neighborhood meeting shall be held no earlier than ninety (90) days prior to submittal of
 34 the application.
 35 b. The applicant shall send a notice of the meeting at least fifteen (15) days prior to the
 36 neighborhood meeting to:
 37 (1) The official representative(s) of the county-recognized neighborhood association(s), if
 38 applicable, in whose boundaries the affected property is located, based on the list of official
 39 neighborhood associations kept by the responsible official, and

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(2) Residents and property owners of record of property within a radius of five hundred (500) feet of the subject property. The records of the County Assessor shall be used for determining the property owners of record, and

(3) The responsible official.

c. The notice must identify the date, time and place of the meeting and provide a brief description of the proposed development.

d. A copy of the notice, proposed development plan as presented at the meeting, the mailing list, meeting summary and the sign-in sheet from the meeting shall be submitted with the application.

H:\LONG RANGE PLANNING\2004 NEW PROJECTS STARTED\MIXED USE COMMITTEE\COMMITTEE INFORMATION\CODE REVISIONS\MU_CODE_40.230.020_COMMITTEE_VERSION_5.DOC